

REMARKS

Claims 10, 13-21 and 23-28 are pending in the application, of which claims 10, 19, and 25 are independent. Favorable consideration and further examination are respectfully requested.

The Examiner rejected claims 10-12 and 15-18 under 35 U.S.C. § 102(e) over U.S. Patent Application Pub. No. US 2005/0194619 ("Edelstein"). As amended, claim 10 recites a dielectric comprising a carbon doped oxide (CDO) film having a modulus of greater than or equal to, but not less than, about 11.5 GPa, and a CDO film having a dielectric constant less than about 3.

Edelstein is not understood to disclose or to suggest at least the foregoing features of claim 10. In this regard, Edelstein discloses a SiCOH dielectric material with a dielectric constant of exactly 3.0 and a modulus greater than 15 (Edelstein, paragraph [0022]). Note that when Edelstein is able to reduce his dielectric constant below 3.0 to less than about 2.5, his modulus is given as "greater than 5.0" GPa (Edelstein, paragraph [0023]). A modulus of greater than 5.0 GPa includes moduli at less than 11.5 GPa, which is beyond the scope of claim 10. For at least the foregoing reason, claim 10 is believed to be patentable over Edelstein.

The Examiner rejected claims 19-21 23, and 24 under 35 U.S.C. § 102(e) over Edelstein. As amended, claim 19 recites a dielectric comprising a carbon doped oxide (CDO) film having a hardness in a range of about 1.9 GPa to about 3.3 GPa, and not less than about 1.9 GPa.

Edelstein is not understood to disclose or to suggest at least the foregoing features of instant claim 19. In this regard, Edelstein discloses a SiCOH dielectric material with a hardness from about 0.2 to about 2.0 GPa (Edelstein, paragraph [0071]), which allows for a hardness of

less than about 1.9, below that prescribed in the instant claim. For at least the foregoing reason, claim 19 is believed to be patentable over Edelstein.

The Examiner rejected claim 25 under 35 U.S.C. § 102(e) over Edelstein. As amended, claim 25 recites a dielectric comprising a carbon doped oxide (CDO) film having a hardness of greater than or equal to, but not less than, about 1.9 GPa and a modulus of greater than or equal to, but not less than, about 11.5 GPa.

Edelstein is not understood to disclose or to suggest at least the foregoing features of instant claim 25. In this regard, Edelstein discloses a SiCOH dielectric material with a hardness from about 0.2 to about 2.0 GPa (Edelstein, paragraph [0071]), which allows for a hardness of less than about 1.9, below that prescribed in the instant claim. For at least the foregoing reason, claim 25 are believed to be patentable over Edelstein.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Please apply any fees or credits due in this case, which are not already covered by check, to Deposit Account 06-1050 referencing Attorney Docket No. 10559-586002.

Respectfully submitted,

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